

1 Daniel L. Barton, Esq., (SBN: 135806)



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5 Attorney for Defendant
6 Charles Levi Lytle

7 UNITED STATES DISTRICT COURT
8 NORTHERN DISTRICT OF CALIFORNIA
9 SAN JOSE DIVISION

10
11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 CHARLES LEVI LYTLE,

15 Defendant.
16

Case No. CR-07-00108 JF

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18 **STIPULATION TO CONTINUE**
19 **SENTENCING HEARING AND**
20 **[PROPOSED] ORDER**

21 The United States of America, by and through Joseph Russoniello, United States
22 Attorney for the Northern District of California, and Richard C. Cheng, Assistant United
23 States Attorney for said District, and defendant Charles Levi Lytle, through his attorney
24 Daniel L. Barton, hereby stipulate and agree that the sentencing hearing presently set in
25 this matter be continued from Wednesday, May 13, 2009, to Wednesday, June 3, 2009.

26 This stipulation is entered into for the following reasons:

27 On April 14, 2009, defendant and the United States Attorney for the Northern
28 District of California stipulated to a continuance of the hearing to May 13, 2009. In an
order dated April 14, 2009, the court granted the continuance and set the sentencing
hearing for May 13, 2009.

1 After the court entered the order continuing the sentencing date, defense counsel
2 was advised by United States Probation Officer Ben Flores that he was unavailable on
3 May 13, 2009 and indicated that the case would need to be continued to either May 20,
4 2009, May 27, 2009, or June 3, 2009 if Mr. Flores is to appear at the hearing. Assistant
5 United States Attorney Richard Cheng indicated that June 3, 2009 was the date most
6 convenient to his schedule.

7 Defendant requests that the court grant a further continuance of the sentencing in
8 this matter in order to facilitate the appearance of United States Probation Officer Ben
9 Flores at the sentencing hearing in this matter.

10 For the foregoing reasons, it is respectfully requested that the sentencing hearing
11 be continued to June 3, 2009, at 9:00 a.m.

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15 Dated: 4/28/09

NOLAN, ARMSTRONG & BARTON LLP



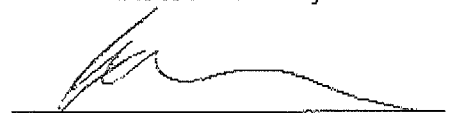
DANIEL L. BARTON

Attorney for Charles Levi Lytle

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20 Dated: 4/27/09

JOSEPH P. RUSSONIELLO

United States Attorney



RICHARD C. CHENG

Assistant United States Attorney

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23 IT IS SO ORDERED.

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25 Dated: 5/5/09



THE HONORABLE JEREMY FOGEL

United States District Judge